

RESOLUTION NO. 14-1998
MILWAUKIE, OREGON

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON
DECLARING THE NEED TO ACQUIRE PROPERTY FOR THE PURPOSE OF
ASSEMBLING LOTS FOR RIVERFRONT IMPROVEMENTS.

WHEREAS, the Milwaukie City Charter grants the City authority to acquire land for public purposes; and

WHEREAS, the City of Milwaukie is authorized by ORS 226.320 to purchase, acquire, take, use, enter upon and appropriate land and property within or without its corporate limits for the purpose of establishing or enlarging public recreation and accommodation facilities including parks, public squares, playgrounds, or comfort stations; and

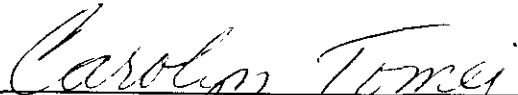
WHEREAS, for the public purposes of improving the riverfront area within the City of Milwaukie for the health, safety, benefit and general welfare of the public, the City Council has deemed necessary the acquisition of certain properties;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE THAT:

1. The City of Milwaukie City Council does hereby find and declare that there is needed and required for construction, operation, maintenance, repair and improvement of the riverfront area, property located in the City of Milwaukie, Clackamas County, Oregon as described in Exhibit "A" attached hereto and incorporated herein by this reference; and
2. The improvement of the riverfront area for which the real property and interest are described herein is required and is being taken as necessary in the public interest and the improvements to said property will be planned, designed, located and will be constructed in a manner that will be most compatible with the greatest public benefit and the least private injury or damage; and
3. The Milwaukie City Manager and the City's attorneys are authorized to attempt to agree with the owners and other persons in interest in the real property described herein as to the compensation to be paid for the appropriation of the property, and in the event that no satisfactory agreement can be reached, then the attorneys for the City of Milwaukie be and the same hereby are directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the real property and interest therein and that upon the filing of such proceeding, possession of the real property and interest therein may be taken immediately to the extent provided by law; and


4. In any negotiations regarding the acquisition of the real property and interest therein as described above, the City Manager is authorized to attempt to agree with the property owners on compensation for the property, such compensation not to exceed the value established by the City's authorized appraisal of the property and interest therein.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon on this 2nd day of June, 1998.


Carolyn Tomei, Mayor

ATTEST:

APPROVED AS TO FORM


Pat DuVal, City Recorder
jmc/acm/65021/necessity.re1(5/13/98)

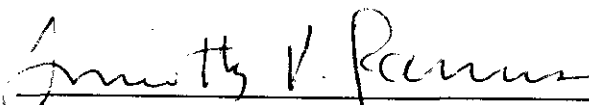

City Attorney

Exhibit "A"
to
~~ORDINANCE NO. 14-1998~~
RESOLUTION NO. 14-1998

Legal Description #1

A part of the Lot Whitcomb D.L.C. in Township 1 South of Range 1 East of the Willamette Meridian, more particularly described as beginning on the Westerly side line of the East Portland-Oregon City Highway in the town of Milwaukie, North 9° 20' West 215 feet and South 80° 40' West 80 feet from the Southwest corner of Block 28, Milwaukie; thence continuing North 9° 20' West along the Westerly side line of said highway 35 feet; thence at right angles to said highway South 80° 40' West 52.70 feet to the easterly line of the right of way of the Portland Railway Light & Power Company; thence Southerly on said right of way line 35.14 feet to a point South 80° 40' East 49.6 feet to the place of Beginning.

Legal Description #2

Part of the Lot Whitcomb Donation Land Claim No. 38, in Township 1 South, Range 1 East of the Willamette Meridian, in the City of Milwaukie, County of Clackamas and State of Oregon, described as follows:

Beginning on the Westerly side line of the East Portland-Oregon City Highway, North 9° 20' West 315.00 feet and South 80° 40' West 80.00 feet distant from the Southwest corner of Block 28, MILWAUKIE; thence North 9° 20' West tracing the Westerly side line of said highway 50 feet to the Southeast corner of a tract of land conveyed to W.J. Eastman by deed recorded October 13, 1943, in Book 314, Page 634, Deed Records; thence South 80° 40' West 70.36 feet to the Easterly line of the Portland Railway Light and Power Company easement; thence following said easement line as follows: South 14° 24' East 7.27 feet; thence North 75° 36' East 7.5 feet; thence South 14° 24' East 43.60 feet; thence leaving said easement line, North 60° 40' East 58.46 feet to the place of beginning.